



Trading Standards Joint Advisory Board

Thursday 11 July 2013 at 7.00 pm
Harrow Civic Centre, Committee Room 5, 1st Floor, Station Road, Harrow.

Membership:

Members Councillors:	Representing	First alternates Councillors:	Second alternates Councillors:
Jones	LB Brent	Denselow	Powney
Hashmi	LB Brent	Brown	CJ Patel
Baker	LB Brent	BM Patel	HM Patel
Ferry	LB Harrow	Vacant	Vacant
Maru	LB Harrow	Vacant	Vacant
Hall	LB Harrow	Mithani	Vacant

For further information contact:

(LB Brent) Gayle Fentiman, Democratic Services Officer
0208 937 4617 gayle.fentiman@brent.gov.uk
(LB Harrow) Miriam Wearing, Senior Democratic Services Officer,
(020) 8424 1542 miriam.wearing@harrow.gov.uk

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit: www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

Agenda

Introductions, if appropriate.

Election of Chair for the meeting (from amongst the Brent members)

Apologies for absence and clarification of alternate members

Item	Page
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1 Election of Chair	
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2 Declarations of personal and prejudicial interests	
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Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.

3 Minutes of the previous meeting	1 - 4
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4 Matters arising	
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5 Deputations (if any)	
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6 Annual report of the Head of Trading Standards for the year 2012/13	5 - 18
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Ward Affected: All Wards

Contact Officer: Nagendar Bilon,
Consumer and Business Protection

Tel: 020 8937 5500

nagendar.bilon@brent.gov.uk

7 Introduction of a charge based regulatory advice service for businesses	19 - 30
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This report details the introduction of a statutory based Primary Authority Partnership (PAP) scheme and a charged based advice and support service on regulatory matters for all other businesses.

Contact Officer: Nagendar Bilon,
Consumer and Business Protection

Tel: 020 8937 5500

nagendar.bilon@brent.gov.uk

8 Any other urgent business	
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Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager (London Borough of Brent) or his representative before the meeting in accordance with the constitutions of both councils.

9 Date of next meeting

The next scheduled meeting of the Trading Standards Joint Advisory Board will be held on 20th November 2013 at Brent Civic Centre.



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.

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LONDON BOROUGH OF BRENT

MINUTES OF THE TRADING STANDARDS JOINT ADVISORY BOARD Monday 25 March 2013 at 7.30 pm

PRESENT: Councillors Jones (LB Brent), Hashmi (LB Brent), O'Dell (LB Harrow) and Ferry (LB Harrow) and Mithani (LB Harrow, alternating for Hall)

Apologies for absence were received from: Councillors Hall (LB Harrow)

Officers in Attendance were: Bill Bilon, Michael Read and Hashith Shah

1. **Election of the Chair**

RESOLVED:-

That Councillor Jones be appointed as Chair for the duration of the meeting

2. **Declarations of personal and prejudicial interests**

None declared.

3. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 22 March 2012 be approved as an accurate record of the meeting.

4. **Matters arising**

Members noted that a meeting of the Committee had not been held since March 2012 due to the Olympics and omissions from the Harrow calendar. It was requested that officers liaise with each Council to ensure all meetings are placed in the calendar.

5. **Trading standards budget for 2013/14**

Bill Bilon, Head of Trading Standards, introduced the report on the 2013/14 Trading Standards budget, highlighting the reducing budget over the past five years and the implications this had caused, such as increased health and safety issues, increased anti-social behaviour and increased scams in the area. The Trading Standards Officer continued to highlight the work that was no longer able to be undertaken due to cuts, including doorstep crime initiatives, proactive investigations into car traders and one day sales. The Service had provided £50,000 income for each Council from the Proceeds of Crime incentivisation money with Harrow Council

hoping to receive £75,000 in 2013/14 along with a reduction of £140,000 from their base budget. It was highlighted that the income generated could not be predicted, with larger sums only achieved by undertaking larger investigations. It was explained that Planning enforcement cases were a good source of potential income if both authorities could encourage planning investigations and prosecutions although, it was clarified that Harrow had reduced their planning enforcement team to two officers, making the income forecast unachievable.

During discussions the impact of not undertaking underage alcohol sales work was queried despite money being generated from investigation works. It was explained that this work was still being carried out but at a reduced level with work being prioritised to ensure income was achieved through higher level investigatory works. It was clarified that cases were needed to allow the financial investigator to carry out investigations under the Proceeds of Crime Act. Bill Bilon informed the Board that the Service prided itself on being one of the best in the country as evidenced by the Accredited Financial Investigator recently winning the national individual award for Excellence in Financial Investigations. Members discussed the implications of the reduction of Planning enforcement officers, potentially leading to a lack of case, lack of income and the possibility of planning applications not being submitted due to the overall lack of enforcement. Harrow Council Members informed the Board that they were currently undergoing a restructure and felt that it would be appropriate to make a business case to retain and increase the current Planning enforcement team as a means to increasing income and to protect the future of Trading Standards. Officers appreciated the support of the Harrow Members and felt that discussions should be taking place by the summer to find a suitable direction to ensure the future of the Service.

It was clarified that the Brent and Harrow teams each received over 800 complaints per year which were investigated according to priority and, whenever possible, a joined up enforcement approach was undertaken with other partner organisations. Members felt alternative funding streams should be explored such as underage sales work being funded by Public Health England with a view to reducing health issues and pressure on the Health Service. It was explained that where alternative funding options were available, these were always explored and contributions had been received in the past for specific projects from the Tobacco Control Alliance. In response to a question, officers confirmed that service specific savings would not be achieved through moving to the Civic Centre.

It was queried what skills and knowledge could be traded to increase revenue. Officers explained that statutory legislation allowed the Councils to charge business for advice and assistance, with Ikea and Wicks already choosing to sign up to the scheme as 'Primary Authority' businesses. It was further explained that the team could charge by officer time or have a standard contract in place so that consistent advice and assistance could be provided to businesses that operate on a nationwide basis in line with the Government's agenda for reducing burden on businesses. It was hoped that a report would soon be available to take to the Executive detailing the proposal. Members expressed concern that there were not adequate staffing levels to enable further works to be undertaken. It was explained that the income from this initiative could be used to employ temporary staff for advising 'Primary Authority' businesses which would enable the permanent staff to continue to undertake the day to trading standards duties, i.e. inspections of trade premises, underage test purchasing and investigations. Following queries it was

clarified that weights and measures testing was still being carried out with the team testing equipment for numerous authorities.

The team were pleased to inform the Board that they kept prestigious records and continually sought to find income streams, including participating in national trading standards cases and in a recent example two raids had resulted in seizure of goods valued at over £150,000. The project will shortly receive national coverage on the BBC's Fake Britain programme and it was felt that the team was one of the best local authority teams in the UK.

Members commemorated the high level of work undertaken by officers in a climate of reducing budgets, particularly the drive to increase income and work with various partners. Members felt that the Service should be invested in to ensure a viable future.

RESOLVED:-

Members noted the report

6. Trading standards work plan for 2013/14

Bill Bilon, Head of Trading Standards, introduced the report which detailed the work that was proposed to be undertaken in 2013/14. During discussions Members noted the importance of planning and setting targets but queried whether there was adequate staffing resource to complete the work planned. It was clarified that the report was realistic with what was achievable, enabling work to be undertaken with what staffing resources were available. Following queries it was explained that each unit represented approximately an hour, with a particular number of units assigned to each task enabling the officers to manage their time effectively. It was further clarified that the team was performance managed with the plan being used to discuss workloads and future work during appraisals. Members queried the effect of the risk rating scheme. It was explained that the scheme was currently in its infancy, due to come into effect from the summer and therefore had not yet affected the plan for the current year. It was explained that the scheme was activity based rather than premises based and would now include web based activities which would change the direction to focus much more on e-commerce and e-crime. Following queries regarding Enterprise Act complaints, it was clarified that this was not a criminal matter and therefore the team did not need to undertake this work. However, this legislation allowed civil injunctions to be taken out if significant consumer detriment occurred to prevent further damage and to stop the business from trading in a manner that affected the economic wellbeing of consumers.

RESOLVED:-

Members noted the report

7. Date of next meeting

The date of the next meeting was to be confirmed following approval at the Councils' Annual Full Council meeting.

8. **Any other urgent business**

None.

The meeting closed at 8.20 pm

L. JONES
Chair

**London Boroughs of Brent and Harrow
Trading Standards Advisory Board
11 July 2013
Report from the Head of Trading Standards**

**ANNUAL REPORT OF THE HEAD OF TRADING STANDARDS FOR THE YEAR
2012/2013**

1 SUMMARY

- 1.1 This report details the work of the Trading Standards Consortium for the 2012/2013 financial year.

2 RECOMMENDATIONS

- 2.1 That Members discuss the report and comment where appropriate.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications.

4 STAFF IMPLICATIONS

- 4.1 None relevant.

5 DETAILS

- 5.1 A copy of the report for the year 2012/2013 is attached for Members' information and consideration.

6 BACKGROUND INFORMATION

- 6.1 Infringement Report Book.

Any person wishing to inspect the above should contact Nagendar Bilon, Brent House, 3rd Floor East, 349 – 357 High Road, Wembley, HA9 6BZ; Telephone: 020 8937 5500.

NAGENDAR BILON
HEAD OF TRADING STANDARDS

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Report on the Work of the Trading Standards Service for 2012 - 2013

1.0 Olympic Games

After three years of planning and preparation, both Borough teams were heavily involved with the London 2012 Olympic Games with comprehensive plans prepared and documented to successfully deliver a safe and effective Torch Relay and Olympic Games across the two Boroughs. The Service was recognised for its work during the Olympics with each member of staff who worked during the long and unsocial hours receiving a personalised certificate from the Olympic Delivery Authority (ODA) acknowledging their contribution in making this the most successful Games ever.

Although the Games were much quieter in terms of enforcement than we expected, not just in Brent but across London, our officers amassed more than 2,000 hours between them in the preparation and carrying out of their enforcement duties during the two week's duration of the Olympics.

Several incidents of 'ambush marketing' were responded to and over 1,000 t-shirts were taken from a foreign television company that was trying to benefit from some free advertising and to publicise their own business by distributing their shirts to the spectators. Another investigation, which is still on-going, involved a well known chain store that was supplying toiletries bearing the 'Olympic Rings' in breach of the Trade Marks Act.

2.0 Investigations & Prosecutions

Brent Trading Standards

Two brothers, who were the joint owners of a car dealership in Sudbury Town were found guilty of 'conspiring to commit fraud' by selling clocked vehicles with false mileage readings. The first defendant pleaded guilty at Harrow Crown Court and was handed a 16 months prison sentence. The second defendant, who was a qualified solicitor and had a lot more to lose, pleaded not guilty. He was eventually found guilty after a two and a half week trial and received a three month custodial sentence, suspended for a year, and ordered to complete a hundred hours unpaid work. Both brothers are now facing proceedings under the Proceeds of Crime Act.

An internet trader from Luton who was associated with a business address in Brent, was ordered to complete 150 hours of unpaid work and pay £2,000 costs for selling counterfeit goods from his 'Gumtree' website. Two entry warrants were executed as part of the investigation and branded clothing, belts, shoes and handbags, were all seized. The defendant was arrested by the Police and interviewed by Trading Standards during which

he admitted that he knew that the items were counterfeit, but he had fallen on hard times and needed the extra money to get by.

Working in partnership with the Medicine and Healthcare Products Regulatory Agency (MHRA) and Enfield Trading Standards, a business with shops located in both boroughs, was prosecuted for possessing skin lightening creams which contained the banned substance hydroquinone. The case arose from a complaint about the Harlesden based trader from a customer who had experienced an allergic reaction after using one of the products. Trading Standards Officers carried out a test purchase which led to a subsequent seizure of a large number of skin lightening creams as well as other products which were identified as medicines and, as such, they could only be sold by a registered pharmacist. Enquires revealed that the trader owned another shop in Enfield which was then visited by our Trading Standards colleagues who found similar products still being offered for sale. The company and director were each fined £1,000 and both ordered to pay £1,375 in costs.

A builder who falsely claimed membership and accreditation of several well-known trade associations was sentenced at Harrow Crown Court to three months imprisonment, suspended for two years, and given a six months home curfew order. In addition, he was ordered to pay prosecution costs of £300. During the week long trial, the court heard that the investigation arose following a complaint regarding poor standards of workmanship which had to be rectified at considerable cost to the consumer. The defendant had falsely claimed to be a member of the Royal Institute of Chartered Surveyors ('RICS') and the Federation of Master Builders ('FMB'), as well as being Gas Safe and Corgi registered.

Following a complaint concerning a Wembley based importer who had supplied a mis-described 'Apple' adaptor to a consumer, officers conducted an test purchase that led to the execution of a warrant at the trader's premises, As a result of the search, the officers discovered approximately 3,800 counterfeit items and a further 10,000 electrically unsafe power adaptors which the business had been selling from it's own internet website as well as on eBay and Amazon. The financial loss to the industry in relation to all the items was estimated to be over £100,000. The electrical items were tested by a safety engineer who identified possible risks from electric shocks and fire. Many of the items had incorrectly sized pins on the plug and incorrect fuses fitted to them. The company was fined £10,000 and ordered to pay prosecution costs of £2,490. The Court also ordered the forfeiture and destruction of the offending articles.

The number of Shisha bars continues to increase from a handful just 5 years ago to approximately 40 now in Brent. Officers have carried out some intensive work with colleagues from Environmental Health and Brent Police to provide comprehensive advice over a period of time followed up by conducting revisits to review their levels of compliance. This culminated in a series of large scale inspections, along with partners from Environmental Health, HMRC, Brent Police and Border Agencies, resulting

in a number of seizures of Shisha Pipes which were in use without the necessary health warning. One premises has already been prosecuted, and a further 3 premises are the subject of on-going investigations. I will update you on the outcome next year.

Enforcement of underage sales continues to be a high priority for the Service. It is disappointing that despite all our previous work with businesses, including promotion of our 'Responsible Trader Scheme', there are still some traders who choose to flout the law and sell age restricted products to children.

There were a total of ten underage sales during 2012 - 13, with nine alcohol purchases through proxy sales on behalf of underage children and one sale of a knife. The sale of alcohol through proxy highlights the ease with which children can access age restricted products by approaching an adult to make the purchase on their behalf. This project was carried out across London to gauge the extent of the problem and to feed this information to the Department of Health who are now reviewing the findings as part of their overall policy to reduce risks to children from products such as alcohol and cigarettes.

One successful case concerning underage sales involved a Neasden based business that was successfully prosecuted for selling a "Stanley" type knife to a 14 year old child. The company was fined £1,500 and ordered to pay £1,207 in costs.

Harrow Trading Standards

The supply of age restricted goods to underage children remains a high priority for the team which carried out 150 test purchase operations during 2012-13 resulting in twelve sales. These sales were made up of seven instances of the supply of alcohol from off licensed premises, two sales of cigarettes, one sale of fireworks, one sale of butane and one sale of a knife. This represents a sales rate of 8% which is in spite of the fact that we have, for a number of years, offered a toolkit to approved traders and an auditing service to prevent traders from making such sales to underage children. As part of this initiative, the team conducted 114 audits in an attempt to raise standards and to reiterate the importance of having processes and procedures in place to train staff and to monitor their performance and confidence in refusing sales to minors. Whilst this has been largely successful, it is our intention to remove the small number of retailers from the Responsible Trader Scheme who disregard our repeated attempts to encourage them to use the toolkit effectively and not just pay lip service to its objectives. We will monitor the businesses that have been removed from the scheme as they are likely to pose the greatest risk of supplying age restricted products to minors.

The sale of age restricted products such as knives, tobacco, alcohol and fireworks has quite rightly been controlled by Government which has

passed legislation to prevent these goods from being purchased by minors. In view of this, our Service has taken a strong stance where sales of these products have taken place to minors.

Examples of some cases include a retailer based in Shaftsbury Circle whose shop assistant sold two bottles of 'Alco Pop' to two fourteen year olds during a joint operation with the police. The retailer had been a member of the Responsible Trader Scheme and, despite our previous advice, he had not used the guidance material nor had he recorded any training that he may have given to his member of staff. When interviewed under caution, the seller stated that she had been employed for over four years and had received training at the beginning of her employment but had never been given any refresher training since. In fact, she was unaware of the presence of our toolkit to prevent the sale of age restricted goods to minors. The Magistrates imposed a fine of £750 and ordered the owner to pay our prosecution costs of £600 within seven days.

As more and more commerce is conducted on the internet, rogue traders are using this method of trading to sell their illicit goods. This type of trading activity adds another layer of anonymity for our investigators to unravel. One such case involved a trader who was selling illegal music compilations breaching copyright legislation through an internet auction website. According to a 2009 study conducted by the British Recorded Music Industry; commonly known as the BPI (British Phonographic Industry), the sale of on-line pirated music costs the UK economy over £200 million a year. This trader was brazen enough to have complained to the BPI in 2007 and 2011 about other on-line music pirates. BPI investigators then discovered that he himself was involved in the sale of illicit music and subsequently contacted our Service. Our officers conducted a series of test purchases which were confirmed as being illegal pirated copies. The defendant's home was subsequently searched following the execution of an entry warrant which resulted in the discovery of 2843 CDs. These goods were all seized along with the computer equipment which had been used to make the pirated copies of the CDs. It was estimated that the potential loss to the industry from this haul alone was over £40,000. The defendant was convicted and is awaiting sentencing which will be dealt with at the conclusion of his Proceeds of Crime hearing.

The protection of intellectual property is also a big concern for legitimate businesses and there have been a number of bizarre examples of how counterfeiters make large sums of money by selling fake branded goods, such as condoms, alcohol and cigarettes. However, through partnership working with HMRC and the Police, we are continuing to discover licensed premises involved in the sale of counterfeit wine. In one such case, a trader based in Edgware, was fined £1,000 and ordered to pay £750 costs for being in possession of 249 bottles of fake Jacob's Creek wine. This is thought to be one of the largest seizures at retail level of counterfeit alcohol in London.

In another unusual case, our officers were informed by the local police of an investigation concerning the cultivation and distribution of marijuana during which they had raided a house in Harrow and discovered a large quantity of counterfeit clothing. Unbeknown to the police we were already investigating the same individual in connection with the counterfeit clothing as well as over £9,000s worth of fake postage stamps. It was felt that the investigation would be best served by investigating these matters jointly with the Police who were also aware that another property in Hertfordshire that was owned by the counterfeiter had been raided by the local police there. A joint prosecution between Harrow Police, Hertfordshire Police and Brent & Harrow Trading Standards was undertaken which culminated in the defendant being handed a 32 month custodial sentence. The Trading Standards Service is currently conducting a Proceeds of Crime investigation into this counterfeiter.

Despite our robust efforts in dealing with counterfeiters, some traders continue to be serial offenders and regard the penalties that the courts impose as an occupational hazard. A trader who operated out of South Harrow Market supplied two mugs both of which brandished the trade marks of two well known marques. In fact when he sold the second one, he even told the undercover officer that he should not be selling it as it was a copyright problem. He had already been prosecuted by this Service in 2009 and had been ordered to pay a fine of £500, costs of £2,000 and confiscation under Proceeds of Crime of £3,000. In addition to this, he had signed an official 'assurance' with Surrey Trading Standards in 2011 to refrain from selling counterfeit goods. He was fined £1,000 and ordered to pay £910 for his latest brush with the law.

It is often the case that counterfeit goods also pose a safety risk as well and this is demonstrated in one of the largest seizures of illicit goods that has taken place in Harrow. Officers began investigating a company thought to be selling fake mobile telephone accessories and, having made a test purchase which was confirmed as counterfeit, officers raided the shop in Edgware. This operation was synchronised to take place as part of the regular Harrow 'Weeks of Action'. It soon became apparent that there were in fact three businesses that were interlinked, two of which were located across the road in a warehouse and office complex. They were selling laptop chargers, mobile telephone batteries and a host of other electrical accessories. Additional officers were asked to attend as it was believed that a large quantity of goods were either counterfeit or unsafe, or both. The electrical equipment was subsequently found to be unsafe and, in some cases, posed a serious risk to life. As well as over 23,000 items, computer equipment and documents were seized with all the officers working until midnight. These cases are to be heard in the early part of 2013-14 and I will provide an update in the next report.

Product safety is a particularly important aspect of the work carried out by officers. With ever decreasing resources, we have taken the view that we will participate in fewer safety projects than in previous years, but will prioritise those that relate to goods that pose the most serious risk to

consumers. One of these was a pan London project in relation to the supply of unsafe furniture which was funded by the National Trading Standards Board. The purpose of this project was to test whether upholstered furniture that was being sold by local traders was fire resistant as required UK legislation. This project highlights the need for vigilance by safety specialists as, despite the fact that it is now twenty five years since these regulations came into force, we continue to discover furniture for sale that is not fire retardant. We are currently investigating two cases and are determined to discover the reasons for these failures and take appropriate action to prevent a recurrence. I will keep Members updated on events as they unfold.

Another funded pan London project was in relation to a particularly infamous network of wholesalers based in Ealing who are notorious for supplying the vast majority of unsafe toys and electrical goods in London. We worked in conjunction with the Police, UK Border Agency (UKBA), HMRC, trademark owners and over 100 trading standards colleagues from other local authorities. We were tasked to lead on the investigation against one of the largest wholesalers which culminated in the seizure of a large amount of unsafe and counterfeit stock as well as their suspension from supply. This matter is under investigation and an update will be provided in the next report. During the operation, a man was also arrested by UKBA as it was believed that he was residing and working in the country illegally.

As Members will be aware, we operate a rapid response service where residents may fall foul of rogue traders and doorstep 'scammers'. In one such case, an elderly Harrow resident became a victim of rogue builder in an elaborate scam and was persuaded to part with £9,000 for work which was subsequently valued at no more than £2,500. What was even more shocking was that he had been deceived into parting with another £15,000 after the fraudsters had impersonated themselves as Trading Standards Officers. However, rapid intervention by our officers who worked closely with the consumer's bank prevented this money from reaching the impostor's account. The Service is now investigating this matter to try and discover the identity of those behind the scam.

Finally, this Service has now forged a closer working relationship with one of the nation's largest retailers by signing up to a Primary Authority Partnership with Wickes for the provision of Trading Standards advice. This arrangement will provide some certainty for the business in moving forward as the advice will have to be considered by all other regulators.

3.0 Financial Investigations

The Financial Investigations Team now consists of two full time accredited financial investigators. In doing so the team is able to manage more cases and, therefore, potentially secure more confiscations. In the last financial year we had a large portfolio of Proceeds of Crime Act (POCA) cases and have achieved a number of notable successes.

Our financial investigators have broadened their skills, and not only deal with Trading Standards matters, but also planning and benefits cases. Last year six POCA investigations were concluded of which five originated from Brent Planning and one from Harrow, as well as two trading standards cases which are detailed below.

The two Trading Standards cases include a confiscation order for £33,000 against a stall holder who was selling counterfeit goods at Wembley Market. The other case involved a large wholesaler who was supplying some well known national supermarkets with counterfeit Jamaican Chili Sauce. This well publicised case resulted in a confiscation order of £22,901.

This financial year, Brent Council's Planning Service was awarded the highest confiscation order for a planning offence anywhere in the country. The case came to a conclusion following a two-year investigation by the London Borough of Brent's Planning Enforcement Team. The defendant had failed to comply with the requirements of a planning enforcement notice and was ordered to pay £1.438 million within six months or face a 10-year prison sentence. The figure was based on a calculation of the rent that this landlord is believed to have received from tenants living in his property on Willesden Lane which had been converted into flats illegally. During the financial investigation, a restraint order was placed on the defendant's properties to prevent him from disposing his assets. He was also ordered to pay a fine of £4,000 for the breach of relevant planning regulations and legal costs of almost £35,000. Brent's Planning Service will receive 37.5% of the £1.438 million, and the rest will go to the Treasury and the court collection agency. Trading Standards will receive £107,863 from the Planning Service's share of the confiscation order.

The second notable case which was concluded this year was that of a landlord who amassed a property empire by illegally converting four properties into 28 flats. He was prosecuted and ordered to pay £303,112. The order to pay the money followed planning prosecution in which evidence from Brent and Harrow Council's enforcement officers showed how the defendant had flouted planning regulations in both boroughs. The £303,112 confiscation order was based on the rent the landlord had collected from tenants who lived in the properties from 2005 onwards. On top of the £303,112 confiscation order under POCA he was also ordered to pay a fine of £7,515 for the breach of the planning regulations and legal costs of more than £18,000, which will leave him over £328,000 out of

pocket! Brent and Harrow Trading Standards Service's share of the POCA confiscation order from this case will be £22,733.

This year also saw the conclusion of the first Harrow Planning confiscation case in which the landlord had converted a house into two self contained flats. He was ordered to pay the confiscation figure of £37,123. Harrow's Planning Service will receive an incentivisation figure of £13,921 and the Trading Standard's share will be 20% of this amount.

In March, our Accredited Financial Investigator (AFI) Lee Wenzel, was awarded the prestigious 'Keith Hughes Award' which is considered to be the 'Oscars' of the financial investigations world. This award was in recognition of the variety and complexity of his financial investigations as well as the number of successful confiscation hearings that have been concluded in the courts. What was even more pleasing was that Lee won the award with stiff competition from AFIs based with the various national Police Forces, Serious Organised Crime Agency (SOCA), HMRC and other Local Authorities.

The table below provides further details of the POCA case that were concluded in 2012 - 13.

Referral Service	Defendant	Amount of Confiscation Order	Incentivisation Amount due to Referral Authority	Trading Standards Share of Incentivisation	Amount actually received as at 31/3/13
Trading Standards	Wanis Ltd	£22,901.52	£8,589.95	£8,589.95	£8,589.95
Trading Standards	Sukhdev Singh	£33,000.00	£12,375.00	£12,375.00	£9,975.00
Harrow Planning	Sanjay Budhdeo	£37,123.20	£13,921.20	£2,784.24	£13,921.20
Brent Planning	Vispasp Sarkari	£303,112.00	£115,522.91	£22,733.40	£81,417.00* 16,021.80
Brent Planning	Salah Ali	£1,438,180.59	£539,317.72	£107,863.54	£0.00
Brent Planning	Foad Ahmad	£103,172.70	£38,689.76	£7,737.95	£0.00
Brent Planning	Mohammed Al-Kazzaz	£130,000.00	£48,750.00	£9,750.00	£0.00
Brent Planning	Gabriele Cicconi	£93,428.00	£35,035.50	£7,007.10	£0.00
TOTAL		£2,160,918.01	£812,202.04	£178,841.18	£48,507.95

** Although this amount has been received, Trading Standards will only be able to retain the amount as agreed with Brent Planning. Therefore, as the defendant has paid only a share of the total due, the amount to be retained by Trading Standards is based on the monies actually paid.*

POCA is still under utilised by Local Authority regulators, including a large number of Trading Standards Services. In fact, some Local Authority regulators are not even aware that they can avail themselves to the provisions of POCA and use it as a tool against defendants that they prosecute. We intend to further market the services we provide to other Authorities in the hope of securing more financial investigations and, in doing so, maximize the potential for revenue income. As such, we have planned a number of presentations to other Authorities for the forthcoming year in order to attract new cases to our portfolio.

As stated in my previous reports, the reduction in front line Trading Standards Enforcement Officers is beginning to have an impact on our ability and capacity to investigate large scale cases which are traditionally the source of POCA referrals to our Financial Investigations Team. Should this continue then there is a real threat that the current levels of incentivisation monies will be greatly reduced and the only source of POCA cases will be from our colleagues in Brent and Harrow Planning Teams.

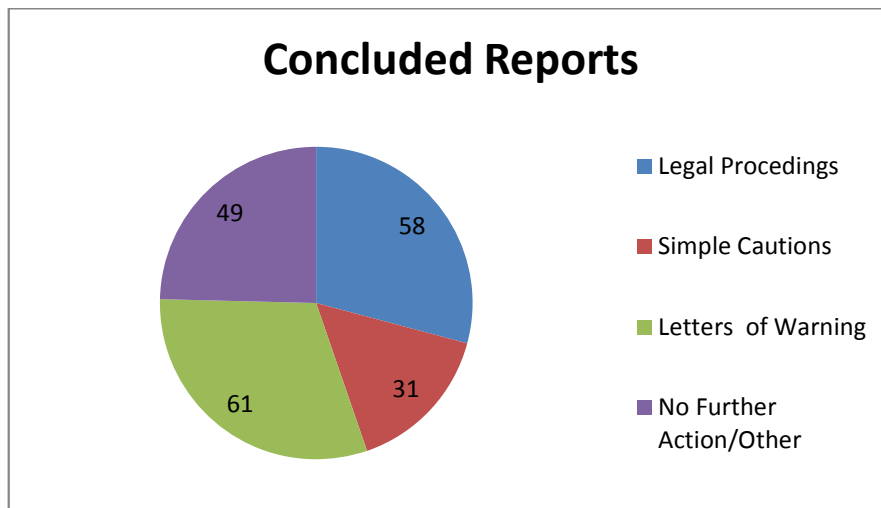
4.0 Key Performance Data

As a regulatory service, our main objective is to ensure that we support our legitimate businesses to thrive whilst dealing robustly, where necessary, with rogue traders who gain an unfair trading advantage by selling their goods and services illegally.

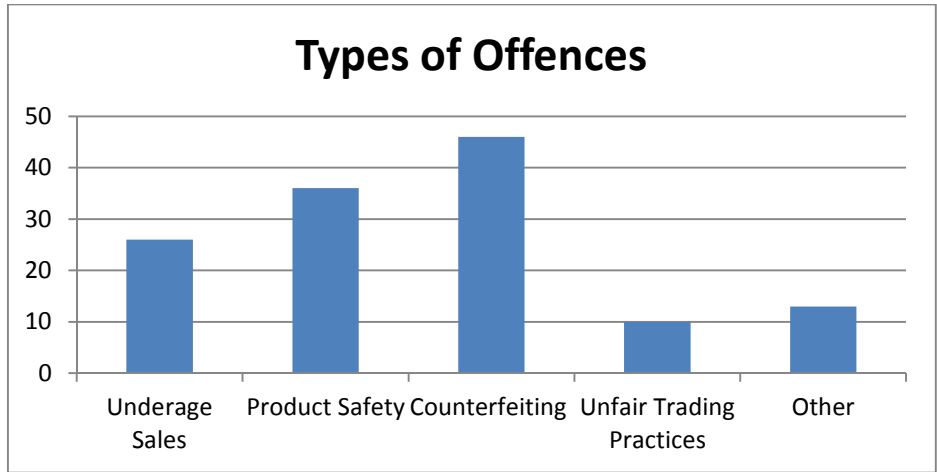
As can be seen from the above section, the court cases and POCA proceedings are often the result of long and arduous investigations some of which may stem from consumer complaints, inspection visits, referrals from other Trading Standards departments or simply one trader providing information about another conducting their business illegally. Some of the priority areas such as the sales of age restricted goods to underage children and the supply of counterfeit and unsafe goods remain priorities through focused project work and through our close relationships with partner agencies.

In order to maintain and build on these areas of work, we performance monitor some of the key areas of activity to encourage and foster our staff to produce work which fits into the objectives mentioned above.

The chart below shows a breakdown of how the 113 infringement reports that were produced by staff were concluded. Some of the cases involved multiple offenders and therefore, the number of outcomes exceeds the businesses that were actually dealt with.

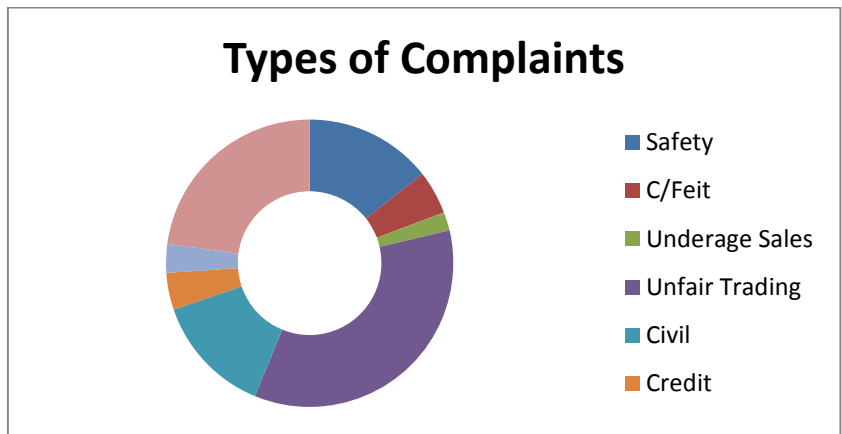


The nature of the infringements that were reported ranged from conspiracy to defraud charges to issues regarding safety labeling. As members will be aware, the Service enforces a wide range of consumer protection legislation which includes over 40 Acts of Parliament and in excess of 400 Regulations. The table below provides an overview of the types of offences which were reported in 2012-13:-



The table above demonstrates that the types of offences that were reported are in line with the Service’s priority areas of work.

As members may be aware, the consumer helpline which is now operated by the Citizen’s Advice Bureau (CAB) acts as the first point of contact for consumer complaints. Complaints are then sifted into those that are purely civil where advice is provided by the CAB and those that have potential criminal aspects are referred to Local Authorities for further investigation. Last year the Service dealt with a total of 2180 referrals, most of which necessitated some form of further investigation to determine whether there were any issues for Trading Standards to look into. In some cases, businesses were provided with advice on minor compliance issues.



The number of consumer complaints demonstrates that there is a high demand for Trading Standards enforcement and advice across a range of different legislation. Furthermore, it highlights the need to also carry out work in areas where there may not necessarily be high volumes of complaints such as underage sales and counterfeiting, particularly as we continue to uncover a relatively high number of offences. The high volumes of unfair trading complaints is due to the fact that there are numerous banned trading practices that are caught by legislation but some offences are also notoriously difficult to prove.

The Service prides itself on maintaining its relationships with other agencies such as the Police, HMRC, industry experts, UKBA and of course, other Council departments. During the course of 2012-13 we participated in 14 partnership days across a range of disciplines and were key participants in national Police led campaigns such as Operations Condor (licensing issues) and Liberal (rogue trader crime).

Despite the considerable changes that the Service has had to endure in the recent past, I am sure Members will agree that Officers have continued to find innovative solutions to bridge funding gaps and through greater prioritisation and hard work, we continue to provide the best level of protection for our residents and businesses that we are able to.

**London Boroughs of Brent and Harrow
Trading Standards Advisory Board
11 July 2013
Report from the Head of Trading Standards**

To Consider the Introduction of a Charge Based Regulatory Advice Service for Businesses

1 SUMMARY

- 1.1 This attached report concerning the introduction of a Primary Authority Partnership (PAP) scheme and a fee based regulatory business advice service was approved by the Brent Council's Executive Committee on 17 June 2013. As L B Harrow already operates PAPs for some of its other regulatory services, this section of the attached report is for information only. However, the report also proposed the introduction of a scheme to charge for all business advice, after an initial 'free' period.

2 RECOMMENDATIONS

- 2.1 That Members discuss the report and, in particular, consider whether the introduction of a charge for the provision of business advice would be compatible with other regulatory services within L B Harrow and if so, to make arrangements to obtain approval from the Executive Committee in line with the recommendations contained in the attached report.

3 FINANCIAL IMPLICATIONS

- 3.1 There are a number of financial implications which are explained in further detail within the attached report.

4 STAFF IMPLICATIONS

- 4.1 Should this charge based regulatory advice scheme be adopted, there are potential staffing implications which are dependant on the level of demand for this service from local businesses.

5 DETAILS

- 5.1 A more detailed explanation of how the scheme may operate is explained in the attached report.

6 BACKGROUND INFORMATION

- 6.1 Equalities Impact Assessment

6.2 The Regulator's Compliance Code

6.3 The Regulatory Enforcement and Sanctions Act 2008

6.4 Any person wishing to inspect the above should contact Nagendar Bilon, Brent House, 3rd Floor East, 349 – 357 High Road, Wembley, HA9 6BZ; Telephone: 020 8937 5500.

NAGENDAR BILON
HEAD OF TRADING STANDARDS



Executive
17 June 2013

**Report from the Director of Environment and
Neighbourhood Services**

Wards Affected: ALL

Introduction of a Charge Based Regulatory Advice Service for Businesses.

1.0 SUMMARY

- 1.1 This report seeks Executive approval for the introduction of a Primary Authority Partnership (PAP) scheme in the London Borough of Brent (LBB) and for the introduction of a charging system to increase the availability of advice and support to businesses, and especially Small and Medium sized Enterprises (SMEs), with provision of up to seven hours free advice and guidance on regulatory matters.
- 1.2 These proposals will reduce and simplify the regulatory burden on businesses entering into PAPs by ensuring that they can have confidence in applying the advice they have been given nationwide with consistency of approach between different local enforcement agencies.
- 1.3 For businesses requiring more advice than it would presently be possible to give from existing resources, these proposals extend the availability of advice, with up to seven hours advice and support provided free, which is expected to be sufficient for most small businesses, and the option of accessing more advice if required at an extremely economic rate.

2.0 RECOMMENDATIONS

- 2.1 That the Executive:-
 - i. Agrees to the Council adopting the Primary Authority Partnership scheme under the Regulatory Enforcement and Sanctions Act 2008 (RESA).
 - ii. Delegates authority to the Director of Environment and Neighbourhood Services to enter into Primary Authority agreements with businesses and to request nomination of partnerships to the Better Regulation Delivery Office under the provisions of Section 25 of the Regulatory Enforcement and Sanctions Act 2008.

- iii. That the Executive agrees to the Council adopting a system of providing up to seven hours' regulatory advice for all businesses free of charge, and the introduction of a charge based scheme on a cost recovery basis for those that require more than seven hours' of advice as detailed in paragraph 3.11 below.
- iv. That the Executive agrees to the Council adopting the proposed hourly charging rates of £51.54 (Annual Contract) and £64.43 (Pay As you Go contract) and, thereafter, to increase these rates on an annual basis on 1st April each year by the annual change in the Retail Price Index (RPI) for January of the year concerned.

3.0 DETAILS

- 3.1 Local Authority regulators, such as Trading Standards, Food Safety and Health & Safety, have been advising businesses of all sizes for many years in a number of ways. From small to large enterprises, advice has been provided, to the extent possible within available resources, free of charge. Regulators have justified this on the basis that this is a part of their statutory duties and that helping businesses comply with the law was a more effective way of ensuring compliance than by just inspection and enforcement action (including prosecution). This approach also satisfied the requirements of the Enforcement Concordat and the Regulators' Compliance Code.
- 3.2 One particularly powerful compliance tool that has developed over the years is the Home Authority (HA) principle whereby a Local Authority acts as the single point of contact for businesses that are based in their area but operate across the country. Local Authority regulatory services have been supporting HA relationships with larger companies for many years. The ethos behind these voluntary agreements has been to work constructively with businesses and advise them on the best way to achieve compliance with the law.
- 3.3 The Regulators' Compliance Code requires regulators to offer a certain level of free advice. It states, "Advice services should generally be free of charge, but it may be appropriate for regulators to charge a reasonable fee for services beyond basic advice and guidance necessary to ensure compliance. Regulators should, however, take account of the needs and circumstances of smaller regulated entities and others in need of help and support".
- 3.4 The RESA introduced the concept of PAPs. They were seen as logical developments of HA schemes. PAPs are legally recognised schemes, unlike the voluntary HA schemes they are intended to replace. In simple terms, they are HA schemes under a statutory footing and with "teeth". To be formally recognised as a PAP, all agreements have to be registered with the Better Regulation Delivery Office (BRDO) in accordance with their basic terms and conditions.
- 3.5 The Primary Authority scheme is open to any business, charity or other organisation that is regulated by two or more local authorities in respect of a relevant function. It is recognised that not all businesses will be eligible to join the PAP scheme but all will, nevertheless, continue to be supported under the current arrangements with up to seven hours of free regulatory advice as

described in 3.10 below, and the ability to access further advice at reasonable cost.

3.6 PAPs can be offered across a range of different regulatory categories, such as Health & Safety, Food Safety and Trading Standards, and can be run jointly in conjunction with other local authority services. The categories for PAP agreements will also increase in the future, and expand to include agreements with, amongst others, trade organisations. The categories covered by PAPs are shown below but these are likely to increase in the future, e.g. alcohol licensing.

- age-restricted sales
- agriculture
- animal establishments & animal welfare
- consumer credit
- environmental protection
- explosives licensing
- fair trading
- farm animal health
- food safety and hygiene
- housing
- metrology
- petroleum licensing
- pollution control
- product safety
- road traffic
- health and safety
- general licensing
- food standards

3.7 Although PAPs have developed from HA schemes, there are some fundamental differences that can present opportunities for businesses and local authorities. These include:-

- PAPs are legally recognised. Once a PAP contract is signed all other enforcement authorities have to have regard to it.
- Several areas of enforcement are covered, including, at present, Trading Standards, Environmental Health and Health & Safety.
- One source of advice for the company, which would be authoritative. Other enforcers would have to follow it and not act in a contradictory manner.
- A national inspection plan could be drawn up. This could help reduce the number of inspections the trader is subjected to nationally.
- The existence of an effective PAP should be considered as part of a regulator's risk assessment process thus reducing the trader's risk rating.
- As confidence in a business increases, it should reduce the number of enforcement inspections that are carried out. This will enable hard pressed LAs to concentrate their resources on other more serious problems and priorities.
- PAPs have an effective dispute resolution mechanism in the event of disagreements between local authorities ("LAs") with respect to statutory interpretation and other enforcement actions. There is no formal dispute resolution process with the voluntary HA scheme.
- The PAP scheme provides consistent advice from one source – businesses argue that inconsistent advice is still an issue costing them unnecessary time and money.
- It will improve communication between enforcing authorities and PAs, including increasing the information about a business from other LA officers. This will feed intelligence led enforcement.
- It will lower costs for the PAP businesses and LAs
- An added advantage will be that PAPs will help increase the knowledge and skill of officers providing the service

3.8 Most LAs have found that the demand for their 'free' business advice services has been increasing over the years. At the same time they have found that their resources have decreased. In Consumer & Business Protection (CBP) there has been a 25% reduction in staff in the last two years whilst the demand on the services has increased. With the advent of PAPs many LA regulators have taken the opportunity to have a fundamental look at how they deliver their business advice and support services. As such, a number of LAs, including, Milton Keynes Council, Slough BC, Surrey CC, have introduced a charge based scheme to help cover their costs. The table below compares the charging structures between the proposed Brent scheme and the abovementioned Councils who operate similar fee based business advice services. It should be noted that Brent's proposed scheme is significantly more generous in offering up to seven hours' of free advice whilst the proposed rates are similar to those that are charged by the other Local Authorities. This greater availability of free advice will predominantly benefit SMEs.

Local Authority	Free Advice (Number of Hours)	Option 1 (Hourly Rate)	Set up Costs (Amount)	Option 2 (Hourly Rate)	Set up Costs (Amount)
LB Brent	Yes (7 Hours)	£51.54	No	£64.43	No
Surrey CC	Yes (1 Hour)	£67.00	No	£67.00	£600
Milton Keynes Council	No	£56.63	£75	N/A	N/A
Slough BC	Yes (Minimal Initial Advice)	£58.80	No	N/A	N/A

3.9 Should the introduction of PAPs be accepted, then there are likely to be several different options that could be adopted depending on the needs of the business. It is proposed that Brent adopts the PAP scheme under the RESA and introduces a charging mechanism for the provision of business advice. However, it must be recognised that the introduction of the scheme should not unfairly penalise Small and Medium Size Enterprises (SME). (The European Commission has defined SMEs as any business which employs fewer than 250 employees with a turnover or balance sheet of less than 50 million Euros and 43 million Euros respectively). In fact, BRDO's opinion is that SMEs would most benefit from PAPs as they do not always have the resources to employ their own compliance or legal teams to provide the necessary advice and guidance to enable them to operate lawfully.

3.10 No individual business should be penalised through the introduction of this scheme. According to our records there are over 6,000 business premises in Brent relating to Trading Standards, Food Safety and Health & Safety. These businesses are graded according to the risk rating that is established based on a number of factors, i.e. type of goods/services, size of the business in terms of number of employees and outlets, retailer, manufacturer or importer. The number of businesses held on the Consumer & Business Protection team's databases and the risk ratings is as follows:-

Team	High Risk	Medium Risk	Low Risk
Food Safety	221	1559	917
Health & Safety	221	1559	917
Trading Standards	102	2883	3177

Regulatory Services no longer carry out routine inspection and advisory visits except to high risk businesses. Inspection and advisory visits are also carried out on request from the business, or when complaints are received from consumers or other local authorities. Last year 429 enquiries for regulatory advice were received from Brent businesses, the vast majority of which were from large enterprises that operate nationally such as retailers, manufacturers and importers. Based on the above and our knowledge and experience, local SMEs do not require advice and information over and above the seven hours of free advice that is being proposed in this scheme. The majority of SMEs fall within the low and medium risk categories and, as such, they will not be adversely affected as a result of this change in policy. Therefore, it is proposed that seven hours' of free advice and guidance is offered to all businesses in Brent under the specified areas of regulation. This would ensure that we continue to fulfil our obligations under the Regulators' Compliance Code and allow businesses to continue to access our services at no additional cost to them unless their requirements are such that they place excessive demands on our resources.

3.11 Where any business requires more than the seven hours' of free advice, then a charging scheme would apply in accordance with the following two options:-

Option 1 – This will be ideal for a trader who consults the Council for more than seven hours but on an irregular basis. The trader could then avail themselves to additional advisory services on a “pay as you go” basis.

Option 2 – This option would be suitable for traders who also consult the Service on a regular basis, irrespective of whether just locally based or anyone that trades across several LA boundaries. The Authority should promote PAPs to those companies that are eligible under RESA as experience from other parts of the country has shown that they are generally well received by businesses and regulators once properly established. Potential cost savings to the business can be significant and a well-run PAP should increase trust between the parties and improve levels of compliance. For this Option, the preferred method is to have an annual contract based on an agreed level of engagement with the business depending on the type of trade, number of referrals, complexity of legal advice and the different areas of regulation that the agreement will cover. However, any business that enters into an agreement for advice and support could also choose to pay on an hourly basis. By looking at these various factors, it will be possible to assess, with some degree of certainty, how much resources will be made available to the business for which a total up front annual fee can be calculated based on a lower hourly rate than in Option 1 above.

- 3.12 Should the proposal to introduce a PAP scheme be accepted then a good starting point for possible recruits are existing Brent HA companies. Other companies outside the borough could also be approached, particularly if they trade in a business sector that can be robustly supported by our specialist staff. There are already several examples of PAPs being run by Authorities where the business is not based in their area and where there has not been a previous HA relationship. In fact, there are potential opportunities in the future to offer this service on a shared basis with other Local Authorities, particularly those that are members of the WLA.
- 3.13 The Council should actively offer PAPs to companies across more than one category under RESA. Many existing PAPs are signed up on that basis as it reflects what the businesses require. In Brent, Food Safety, Health & Safety and Trading Standards are already under one management structure within the Consumer and Business Protection (CBP) Service and, therefore, the scheme will be relatively simple to administer. The types of businesses that would be suitable for PAPs are:-
- i. Companies with brand protection issues, such as counterfeiting. This is an area of strong local expertise and could include luxury goods producers in the fragrance and clothing fields.
 - ii. Large food packers. There are numerous such companies in Brent and they are supplying products to many of the major multiple retailers. Some businesses that have already been approached have shown an interest in PAPs and could be jointly covered by our Food Safety, Health & Safety and Trading Standard teams.
 - iii Other HA companies where there are existing good working relationships.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no additional financial implications for the Council. In fact, if the recommendations of this report are adopted and a charging scheme is agreed then a small amount of the income that is derived from this source may be able to offset some of the current Food Safety, Health & Safety and Trading Standards budget pressures.
- 4.2 The provision of the PAP has been piloted in Brent by the CBP Service and, to date, five businesses have signed up to the scheme. Three businesses have opted for Option 1 and have agreed to pay at an hourly rate of £64.43 for the provision of regulatory advice services. Two large scale businesses that operate nationally have opted for Option 2 and are paying annual fees based on an agreed number of hours of advice and support from the Council on their specific area of regulation at an hourly rate of £51.54.
- 4.3 It is anticipated that the uptake of fee based advice service within the borough in the first year will be no more than fifty businesses. Any charges received on a cost recovery basis will be used to support the Council's existing budgets for the provision of regulatory services. Furthermore, should the demand for a charge based advice service increase significantly, then the income from this would allow the Council to divert some of these resources to employ additional staff to deliver this advisory work ensuring higher priority work such as investigations into

dangerous products, food hygiene and food safety alerts, and accidents at work, etc. is not compromised.

- 4.4 HMRC has indicated to another Primary Authority that VAT should be charged on the price, if the advice and support provided by that Authority could have been supplied by the private sector. In the circumstances, it is likely that VAT will be payable on top of the Council's prices.

5.0 LEGAL IMPLICATIONS

- 5.1 By having "Primary Authority" status, the Council has the power under section 31 of the Regulatory Enforcement and Sanctions Act 2008 ("RESA") to charge businesses fees on a cost recovery basis in relation to the exercise of its functions as a Primary Authority under Part 2 of RESA 2008. In calculating the costs incurred in providing the service, a local authority should have regard to the guidance issued by HM Treasury entitled "Managing Public Money" and in particular Annex 6.2 thereof. "Primary Authority" allows a business to form a partnership with a single local authority and this partnership, once it has been nominated by the Better Regulation Delivery Office, has a statutory basis.
- 5.2 Under section 25 of RESA 2008, the Secretary of State, through the Better Regulation Delivery Office ("BRDO"), may nominate a local authority to be a "Primary Authority" for the exercise of a relevant function under Part 2 of RESA 2008 in relation to a business. In this scenario, the BRDO has the power to nominate Primary Authority Partnerships between the Council and businesses so that the PAP agreement has a statutory footing.
- 5.3 The Council has an obligation under the Regulators Compliance Code (Statutory Code of Practice for Regulators, BERR, 2007) to provide businesses with advice and guidance about their legal obligations in respect of environmental health, trading standards, fire safety and licensing legislation. Where businesses require additional advice and support services under Primary Authority, section 31 of RESA 2008 enables the Council to recover the costs associated in providing these services from the business.

6.0 DIVERSITY IMPLICATIONS

- 6.1 As stated above, the charge based advice service must be administered in accordance with the public sector equality duty under the Equality Act 2010.
- 6.2 In carrying out this charge based advice service, it would be incumbent on the Council under the 2010 Act to: (1) have due regard to the need to eliminate unlawful discrimination, harassment and victimisation (along with other conduct) prohibited under the 2010 Act; (2) advance equality of opportunity between people who share a 'protected characteristic' and those who do not; (3) foster good relations between people who share a protected characteristic and those who do not.
- 6.3 The nine protected characteristics under the 2010 Act are: Age; Disability; Gender Reassignment; Race; Religion or belief; Sex; Sexual Orientation; Marriage and Civil Partnership; and Pregnancy and Maternity.

- 6.4 In March 2012, the Council's regulatory services officers held a consultation seminar (including one-to-one discussions) with local businesses. Representatives from 30 local businesses attended the event. There were no adverse issues raised during this consultation in relation to Equality Act 2010 considerations.
- 6.5 It is not envisaged that the scheme would have an impact (either positive or negative) in respect of the following protected characteristics: Age; Gender Reassignment; Sex; Sexual Orientation; Marriage and Civil Partnership.
- 6.6 In respect of the protected characteristic of disability: The Council would ensure that those with a disability have the same opportunity to access the scheme as those without a disability, by making reasonable adjustments to the fee based advice service where appropriate (for example, by supplying any written advice in braille format where necessary). A responsible officer would be appointed to collate monitoring information received back from fee paying service users to determine whether the scheme was effective for those with a disability.
- 6.7 In respect of the protected characteristic of race: the Council has identified the risk that some potential users from BME backgrounds may not take advantage of the scheme, particularly at the outset. This may be because some potential service users have English as an additional language, resulting in the users not fully appreciating the nature and benefits of the scheme. To mitigate this risk and to help ensure an equal opportunity to access the scheme, the Council would, wherever possible, seek to utilise the skills of officers who are able to communicate in the same language as that of the trader. Officers' knowledge and experience show that generally language is not a barrier to communication with businesses, but in the rare event where this is the case, then the Service has a number of officers who speak a range of different languages such as Hindi, Gujarati, Punjabi, Bengali, German, Mandarin, Hokkien and Malay. Furthermore, there are occasions when the use of interpreters and translators is sought to overcome any communication difficulties. This will continue to be the case even after the introduction of a charge based business advice service. Therefore, officers do not envisage that the policy will result in any direct or indirect discrimination to any of the protected groups. The Council will nominate a responsible officer to review (within a formal structure at defined periods) the monitoring information it receives back from service users to determine whether any particular groups are failing to take advantage of the service. The officer responsible for reviewing the monitoring information would check that small businesses are using the scheme, because it may be that a disproportionate amount of small businesses are owned members of the BME community. Officers are aware that most of the BME businesses in Brent are small to medium size enterprises and would, therefore, ensure that no one is treated unfairly through the introduction of the scheme as it will be open to everyone. Furthermore, outreach work is an integral part of our day to day activities and, once the policy has been agreed, then officers will ensure that the scheme is promoted with a view to increasing the take up of free advice and, where necessary, encouraging businesses to join Brent Council's fee paying service. As stated above, officers are aware that the majority of small to medium size businesses in Brent do not require more than seven hours of regulatory advice

per year and in that scenario, such advice can be provided free of charge (on the basis that it does not exceed seven hours per annum).

- 6.8 In respect of the protected characteristic of pregnancy and maternity: those who are pregnant may benefit from the health and safety advice made available under the scheme.

7.0 STAFFING / ACCOMMODATION IMPLICATIONS (IF APPROPRIATE)

- 7.1 Should approval be granted for the introduction of a charge based advice service, then there will initially be no additional staffing requirements. However, if the demand from businesses to join the scheme is greater than anticipated, then it is possible that additional staff will be required, which will be funded from the income that is received for the provision of this service.

BACKGROUND PAPERS

The Regulator's Compliance Code :

<http://www.berr.gov.uk/files/file45019.pdf>

The Regulatory Enforcement and Sanctions Act 2008:

<http://www.legislation.gov.uk/ukpga/2008/13/contents>

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